

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BARTT KENDRICK MIGHELL,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:04-CV-798-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Bartt Kendrick Mighell, along with the December 8, 2006, amended¹ findings, conclusions, and recommendation of the United States magistrate judge.² The magistrate judge gave the parties until December 29, 2006, to file written objections to the amended findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed amended findings, conclusions and recommendation of the United States

¹Although the magistrate judge prepared initial findings, conclusions, and recommendation in 2005, because it appeared that petitioner Mighell had not exhausted state court remedies, and because the state court record was incomplete, this Court stayed this action pending Mighell's filing of another application for writ of habeas corpus in state court. Mighell returned to state court and filed a subsequent state application. *Ex parte Mighell*, No. 59,378-02, at 1-30. A complete record was prepared, and the state trial court issued thorough and detailed findings of fact and conclusions of law recommending denial of Mighell's claims. Based on those findings and conclusions, the Texas Court of Criminal Appeals denied Mighell's application. *Ex parte Mighell*, No. 59,378-02 at 264-327; at Cover. Mighell then refiled an amended petition in this action, and the magistrate judge prepared the exhaustive amended report that is now before this Court.


²The clerk of Court is directed to note on the docket that the December 8, 2006, amended findings, conclusions and recommendation [docket no. 31] VACATES the March 8, 2005, findings, conclusions and recommendation [docket no. 12].

magistrate judge filed on December 8, 2006. The Court concludes that the petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's amended findings and conclusions.

Therefore, the amended findings, conclusions and recommendation of the magistrate judge are hereby ADOPTED.

Petitioner's Bartt Kendrick Mighell's petition for writ of habeas corpus is DENIED.

SIGNED January 18, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE